

### **Index to Exhibits**

- Exhibit 1** The Complaint herein;
- Exhibit 2** Declaration of Jonathan Bauer, Esq. sworn to on May 13, 2008;
- Exhibit 3** Defendants' Initial Disclosure pursuant to Rule 26(a)(1);
- Exhibit 4** Defendants' Interrogatory Answers and Production Response dated November 30, 2007;
- Exhibit 5** Brooklyn Developmental Center, Policy and Procedure Manual (in part, as relevant to this motion) at Bates D1451-D1453 and D1562<sup>1</sup>;
- Exhibit 6** Undated note produced pursuant to Subpoena by the New York State Commission on the Quality of Care documenting Mrs. Viola Young's complaint concerning the death of her daughter, Valerie (Bates CQC26);
- Exhibit 7** New York State Commission on Quality of Care and Advocacy for Persons with Disabilities ("Commission") Case Analysis Report and Death Investigation Report (Bates Nos. CQC6 - CQC10);
- Exhibit 8** Commission October 24, 2005 letter and final agency determination directed to defendant Peter Uschakow (Bates 0095 - 0096) with appended article referred to as "Could This Happen" (Bates CQC267 - CQC271);
- Exhibit 9** Letter dated November 5, 2005 directed to the Commission in response to their investigation of the death of Valerie Young, sent on behalf of BDC under the signature of Judith Beer (Bates CQC5);
- Exhibit 10** Commission letter dated November 15, 2005 directed to defendant Peter Uschakow (Bates CQC14);
- Exhibit 11** Commission letter dated November 15, 2005 directed to plaintiff Mrs. Viola Young (Bates CQC13);
- Exhibit 12** Gloria Hayes deposition: Statements on the record of Assistant Attorney General Jose L. Velez;
- Exhibit 13** Jovan Milos deposition: Statement on the record of Assistant Attorney General Jose L. Velez;
- Exhibit 14** Kathleen Ferdinand deposition: Statement on the record of Assistant Attorney General Jose L. Velez;

---

<sup>1</sup> The BDC Policy & Procedure Manual was produced in the matter of *Cosentino v. State of New York, Office of Mental Retardation and Developmental Disabilities, et al.* 04-CV-04159-AKH.

- Exhibit 15** Suresh Arya deposition: Statements on the record of Assistant Attorney General Jose L. Velez;
- Exhibit 16** Log entry pages 15 minute checks timed and dated from 3:00 pm - 9:30 pm on June 19, 2005 (Bates Nos. 0129 - 0130);
- Exhibit 17** Undated Log entry pages comprising 15 minute checks from 9:45 pm - 7:15 am (Bates Nos. 0236 - 237);
- Exhibit 18** Autopsy Report dated June 20, 2005, Office of Chief Medical Examiner, City of New York, Frede I. Frederic, MD (Bates 0099 - 0102);
- Exhibit 19** Memorandum of July 13, 2005 to Peter Uschakow regarding a complaint made by Mrs. Viola Young concerning Valerie's treatment (Bates 0003);
- Exhibit 20** Core Office Log Entries, (as produced with redactions), dated April 20, 2005 (Bates 9917 and 9947);
- Exhibit 21** Individualized Program Plan ("IPP") Quarterly Review of January 12, 2005, in relevant part (Bates 7787-88);
- Exhibit 22** Individualized Program Plan (IPP) Annual of April 13, 2005, in relevant part (Bates 7629-30, 7633, 7653, 7681);
- Exhibit 23** June 24, 2003 Report of Occurrence (Bates 8815);
- Exhibit 24** Memorandum of November 5, 2004, renewed December 22, 2004 from defendant Ferdinand directed to all staff (Bates 0013);
- Exhibit 25** Memorandum of January 20, 2005 from defendant Ferdinand to all Building 3-1 supervisors (Bates 0274);
- Exhibit 26** Memorandum of January 26, 2005 from defendant Ferdinand to defendant Hayes (Bates 0267);
- Exhibit 27** Memorandum of February 16, 2005 from defendant Hayes to one Donna Carter with a copy to defendant Ferdinand (Bates 0273);
- Exhibit 28** Physical Therapy consultation request dated April 27, 2005 and report dated May 2, 2005 (Bates 8176);
- Exhibit 29** Psychiatry Consultation order and report dated September 17, 2004 (Bates CQC138);
- Exhibit 30** Occupational Therapy Note dated April 27, 2005 (Bates CQC197);
- Exhibit 31** Nursing Notes November 3 - 7, 2004 (Bates 8366);
- Exhibit 32** Treatment Team (ITT) Notes November 1 - 5, 2004 (Bates 8147);

**Exhibit 33** Special Case Conference of November 5, 2005 (Bates 7783-84);

**Exhibit 34** Special Case Conference of December 17, 2004 (Bates 7781-82);

**Exhibit 35** Special Case Conference of December 24, 2004 (Bates 7779-80);

**Exhibit 36** Special Case Conference of April 20, 2005 (Bates 7743-44).